

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64845 of 2024

Arising Out of PS. Case No.-236 Year-2022 Thana- KUTUMBA District- Aurangabad

1. Laukesh Kumar @ Lalkesh Thakur Son of Rajendra Thakur Village- Haneya, P.O.- Matpa, P.S.- Kutumba, District- Aurangabad, Bihar
2. Mukesh Thakur Son of Ramchandra Thakur Village- Haneya, P.O.- Matpa, P.S.- Kutumba, District- Aurangabad, Bihar
3. Dilip Kumar @ Dilip Thakur Son of Late Bharat Thakur Village- Haneya, P.O.- Matpa, P.S.- Kutumba, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anju Devi Wife of Praveen Kumar Village- Haneya, P.O.- Matpa, P.S.- Kutumba, District- Aurangabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 354, 377, 511, 504, 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 04.08.2022 at 8 PM her minor son aged about 13 years went out of the house to buy something from a shop, but did not return, after some time, she heard an alarm of the minor



son, accordingly, the informant reached the place of occurrence and on seeing the informant, Laukesh and Dilip fled, further, the minor disclosed that they were trying to commit unnatural act with him, accordingly, she went to the house of the accused persons where Mukesh assaulted her and her son, but she managed to save herself.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 04.08.2022 and the complaint case came to be filed on 08.09.2022 i.e. after a delay of more than a month without any plausible explanation, based on which, the instant F.I.R. came to be instituted on 02.10.2022. It is further submitted that the daughter of petitioner no.3 instituted Kutumba P.S. Case No. 187 of 2022 dated 04.08.2022 under Sections 376 and 511 of the Indian Penal Code read with Section 8 of the POCSO Act against the husband of the informant. It is next submitted that the instant case was instituted in order to coerce the petitioners into submission so that the daughter of petitioner no.3 does not pursue Kutumba P.S. Case No. 187 of 2022.

5. Learned counsel for the petitioners next submits that when one investigating agency after threat-ware



investigation came to a considered conclusion that petitioners are innocent whether it would be prudent for this Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which had exonerated the petitioners of the allegation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kutumba P.S. Case No. 236 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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